

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201

Hearing Date & Time: To be determined by Court

Objection Deadline: February 26, 2019

Time: 4:00pm

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:
BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff,

Plaintiff,

v.

NATIXIS FINANCIAL PRODUCTS, LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05353 (SMB)

**DECLARATION OF CATHERINE E. WOLTERING IN SUPPORT OF THE
TRUSTEE'S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT**

I, Catherine E. Woltering, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member of the New York Bar and a partner at Baker & Hostetler LLP, counsel for plaintiff Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC and the chapter 7 estate of Bernard L. Madoff, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*

2. As an attorney of record in these proceedings, I am fully familiar with the facts set forth herein based either upon my own personal knowledge or upon information conveyed to me.

3. I make this declaration to provide relevant information in connection with the Trustee’s Motion for Leave to File an Amended Complaint (the “Motion”).

4. On December 7, 2018, the Court so ordered a stipulation by which the parties agreed to a briefing schedule for the filing of the Trustee’s Motion. The parties stipulated and agreed that the Trustee would file his Motion on or before December 31, 2018; that defendant Natixis Financial Products LLC (“Defendant”) would file its opposition within 60 days of the Trustee filing his Motion; and that the Trustee would file a reply within 14 days of the Defendant filing its opposition.

5. Attached hereto as **Exhibit 1** is the Trustee’s proposed Amended Complaint (“PAC”) for review by the Court. The PAC alleges additional facts regarding the subsequent transfers sought to be recovered, as further discussed in the accompanying Memorandum of Law in Support of the Trustee’s Motion for Leave to File an Amended Complaint.

6. Attached hereto as **Exhibit 2** is the Trustee’s Proposed Order in connection with the Motion.

7. Attached to the Trustee’s PAC as **Exhibit A** is the Tensyr Rating Memo.

8. Attached to the Trustee's PAC as **Exhibit B** is the proffered amended complaint in the adversary proceeding *Picard v. UBS AG*, Adv. Pro. No. 10-04285 (SMB) (Bankr.

S.D.N.Y. June 26, 2015), ECF No. 210, also incorporated by reference in the Trustee's Motion.

9. Attached to the Trustee's PAC as **Exhibit C** is a chart setting forth the Initial Transfers.

10. Attached to the Trustee's PAC as **Exhibit D** are charts setting forth the Initial Transfers.

11. Attached to the Trustee's PAC as **Exhibit E** is a chart setting forth the presently known Subsequent Transfers.

12. No prior application or motion for similar relief has been made to this or any other court.

I hereby declare under penalty of perjury that the foregoing statements made by me are true and correct.

Executed on the 28th day of December, 2018, at New York, New York.

/s/ Catherine E. Woltering

Catherine E. Woltering
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
Email: cwoltering@bakerlaw.com

*Attorney for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter
7 Estate of Bernard L. Madoff*